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HOUSE BILL 1365

By McDaniel

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Title 4, Chapter 29, Title 62, Chapter 26, Title 62, Chapter 27, Title 62, Chapter 32, Part 3, and Title 62, Chapter 35 relative to the creation of the security industries commission.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-26-202 is amended by deleting paragraph (3) in its entirety and by substituting instead the following:

(3) "Commission" means the Tennessee security industries commission;

SECTION 2. Tennessee Code Annotated, Section 62-26-301 is amended by deleting the section in its entirety and by substituting instead the following:

PART 3 - SECURITY INDUSTRIES COMMISSION

62-26-301. Creation - Members - Terms - Vacancies. - (a) There is hereby created the Tennessee security industries commission, hereinafter referred to as the “commission,” which consists of eleven (11) members appointed by the governor, each of whom shall be a resident of this state and shall possess good moral character.

(b) The commission membership shall be composed as follows:

(1) Three (3) members shall each have been principally engaged as licensed private investigators in this state for at least five (5) years prior to the date of their appointment and shall be of recognized business standing;

(2) Three (3) members shall each have been principally engaged as a licensed alarm systems contractor in this state for at least five (5) years and shall be licensed as qualifying agents prior to the date of their appointment and shall be of recognized business standing;

(3) Three (3) members shall each have been principally engaged as licensed security guards or patrol services in this state for at least five (5) years prior to the date of their appointment and shall be of recognized business standing;

(4) One (1) member shall have been principally engaged as a licensed polygraph examiner in this state for at least five (5) years prior to the date of his/her appointment and shall be of recognized business standing;

(5) One (1) member shall be a person who is not engaged in or conducting the business of, or acting in the capacity of, a private investigator, an alarm systems contractor, a security guard and patrol service, or polygraph examiner.

(c) At least three (3) members, but not more than four (4), shall be appointed from each grand division of the state.

(d) In making appointments to the commission, the governor shall strive to ensure that at least one (1) person serving on the commission is sixty (60) years of age or older and that at least one (1) person serving on the commission is a member of a racial minority.

(e) Except for initial terms of appointment, the terms of members shall be for five (5)-year periods. The terms of members shall be staggered during the initial appointments such that the terms of at least two (2) but not more than three (3) shall expire each December 31. Upon expiration of a member's term, that member shall continue to serve until his/her successor is appointed. Initial appointments shall be made within ninety (90) days of the effective date hereof.

(f) Any vacancy occurring on the commission shall be filled by the governor within ninety (90) days after the vacancy occurs. In the event of a vacancy on the commission for any reason and the governor failing to appoint a successor within ninety (90) days after the vacancy occurs, the commission is empowered to fill that vacancy from a list of nominees submitted by the Tennessee professional association which corresponds to the profession in which the vacancy occurs, or if the vacancy is the public member position, from a list of nominees submitted by any Tennessee professional association corresponding to the industries regulated by the commission.

(g) No members shall be appointed to succeed themselves for more than one (1) full term.

(h) The governor may remove any member of the commission for misconduct, incompetency or willful neglect of duty.

SECTION 3. Tennessee Code Annotated, Section 62-27-102 is amended by deleting paragraph (1) in its entirety and by substituting instead the following:

(1) “Commission” means the Tennessee security industries commission created by T.C.A. §62-26-301;

SECTION 4. Tennessee Code Annotated, Title 62, Chapter 27 is amended by deleting the language “private investigation and polygraph commission” wherever it may be found and substituting instead the language “Tennessee security industries commission”.

SECTION 5. Tennessee Code Annotated, Section 62-32-303 is amended by deleting paragraph (3) in its entirety and by substituting instead the following:

(3) “Commission” means the Tennessee security industries commission created by T.C.A. §62-26-301;

SECTION 6. Tennessee Code Annotated, Title 62, Chapter 32, Sections 306, 308, 309 and 310 are hereby repealed.

SECTION 7. Tennessee Code Annotated, Title 62, Chapter 32, Part 3 is amended by deleting the word “board” wherever it may be found and substituting instead the word “commission”.

SECTION 8. Tennessee Code Annotated, Title 62, Chapter 32, Part 3 is amended by deleting the language “state board for licensing alarm systems contractors” wherever it may be found and substituting instead the language “Tennessee security industries commission”.

SECTION 9. Tennessee Code Annotated, Section 62-35-102 is amended by deleting paragraph (5) in its entirety and by substituting instead the following:

(5) “Commission” means the Tennessee security industries commission created by T.C.A. §62-26-301;

SECTION 10. Tennessee Code Annotated, Section 62-35-129 is hereby repealed.

SECTION 11. Tennessee Code Annotated, Title 62, Chapter 35 is amended by deleting the word “commissioner” wherever it may be found and substituting instead the word “commission” and by deleting the language “or the commissioner’s designee” wherever it may be found.

SECTION 12. Tennessee Code Annotated, Section 4-29-225(a) is amended by adding a new item thereto, as follows:

() Tennessee security industries commission, created pursuant to Section 62-26-301;

SECTION 13. Tennessee Code Annotated, Section 4-29-222(a) is amended by deleting subparagraph (63) in its entirety.

SECTION 14. Tennessee Code Annotated, Section 4-29-226(a) is amended by deleting subparagraph (33) in its entirety.

SECTION 15. Tennessee Code Annotated, Section 4-29-223(a) is amended by adding two new items thereto, as follows:

() Private investigation and polygraph commission, created pursuant to § 62-26-301;

() Private protective services board, created pursuant to §63-26-301;

SECTION 16. Tennessee Code Annotated, Section 4-3-1304 is ammended by deleting items (10) and (15).

Section 17. Tennessee Code Annotated, Section 4-3-1304 is amended by adding a new item thereto, as follows:

() Tennessee security industries commission;

SECTION 18. It is the intent of the General Assembly that the rules of the state board for licensing alarm systems contractors, private protective services board, and the private

investigation and polygraph commission shall be deemed to be the rules of the security industries commission created by this act.

SECTION 19. This act shall take effect upon becoming law, the public welfare requiring it, for the purposes of appointments to the security industries commission. Notwithstanding the provisions of Section 4-29-112 or any other law to the contrary, it is the intent of the general assembly that the private investigation and polygraph commission, the state board for licensing alarm systems contractors, and the private protective services board shall terminate and cease all activity on June 30, 2002. It is further the intent of the general assembly that the Tennessee security industries commission created by this act shall commence operations on July 1, 2002.